

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:11-CV-615-DCK**

KIMBERLY F. SHAREEF,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
PATRICK R. DONAHOE,)	
Postmaster General, U.S. Postal Service,)	
)	
Defendant.)	
)	

THIS MATTER IS BEFORE THE COURT on Plaintiff's "Motion To Strike" (Document No. 47) filed March 18, 2013. The parties have consented to Magistrate Judge jurisdiction pursuant to 28 U.S.C. § 636(c), and immediate review of this motion is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will deny the motion.

By the instant motion, *pro se* Plaintiff Kimberly F. Shareef asserts that the "Federal Defendant's Response In Opposition To Plaintiff's Request For Case Reassignment" (Document No. 45) filed on March 8, 2013, was untimely and should be stricken. (Document No. 47). The undersigned respectfully disagrees.

First, the Court observes that the Civil Docket For Case 3:11-cv-615-DCK, specifically indicates, along with the entry for "Plaintiff's Request For Case Reassignment" (Document No. 42) filed February 19, 2013, that responses to that motion were due by March 8, 2013. Moreover, while Plaintiff correctly notes that Local Rule 7.1 (E) allows a party fourteen (14) days to file a response, Plaintiff may not realize that Federal Rule of Civil Procedure 6 (d) allows a party three (3) additional days for service of the response.

As such, it appears that Defendant's response to "Plaintiff's Request For Case Reassignment" was timely filed and that Plaintiff's allegations that Defendant has violated the Local Rules and/or the Federal Rules of Civil Procedure are without merit.

IT IS, THEREFORE, ORDERED that Plaintiff's "Motion To Strike" (Document No. 47) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff shall file a reply brief in support of her pending "...Request For Case Reassignment" (Document No. 42), and in response to "Federal Defendant's Response In Opposition To Plaintiff's Request For Case Reassignment" (Document No. 45), on or before **April 1, 2013**.

SO ORDERED.

Signed: March 19, 2013



David C. Keesler
United States Magistrate Judge
